



SMALL BUSINESS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) AND 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Cell Genesys, Inc.
ADDRESS OF CONCERN: 342 Lakeside Drive
Foster City, California 94404

I hereby declare that the above-identified small business concern qualifies as a small business as defined in 13 C.F.R. 121.801-805, and reproduced in 37 C.F.R. 1.9(d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: **THERAPEUTIC USE OF LENTIVIRAL VECTORS** by inventor(s) Luigi Naldini and Jin-Ping Song described in:

- ☒ non-provisional patent application Serial No. **09/581,308**, filed **February 9, 2001**.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37b C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therefrom, or any patent to which this verified statement is directed.

NAME: Kenneth M. Goldman
TITLE: Director Intellectual Property
ADDRESS: 342 Lakeside Drive
Foster City, California 94404

SIGNATURE: Kenneth M. Goldman

DATE: 13 November 2001

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